

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

JOHN A MCLAUGHLIN and
EILEEN E. MCLAUGHLIN

Vs.

C.A. No. CA 10 - 1235

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS; AMERICAN BROKERS CONDIT;
DEUTSCHE BANK NATIONAL TRUST
COMPANY AS INDENTURE TRUSTEE FOR
AMERICAN HOME MORTGAGE
INVESTMENT TRUST 2007-1, MORTGAGE
BACKED NOTES AND GRANTOR TRUST
CERTIFICATES, SERIES 2007-1

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

Defendants, Mortgage Electronic Registration Systems and Deutsche Bank National
Trust Company, respectfully represent as follows:

1. That defendants, Mortgage Electronic Registration Systems and Deutsche Bank National Trust Company, are defendants in a civil action filed against them in the Providence County Superior Court, styled *John A. McLaughlin v. Mortgage Electronic Registration Systems*, C.A. No. PC 10-0309.
2. The aforesaid action was commenced with the filing of a Summons and Complaint. Upon information and belief, defendant, Mortgage Electronic Registration Systems, was served with a copy of the Summons and Complaint.
3. The defendant Deutsche Bank National Trust Company, was served with a copy of the Summons and Complaint on or about March 1, 2010.
4. The defendant, Mortgage Electronic Registration Systems, was incorporated in the state of Delaware and has a principal place of business in Irvine, California.
5. The defendant Deutsche Bank National Trust Company, is incorporated in the state of California and has a principal place of business in Santa Ana, California.
6. The defendant American Brokers Conduit, upon information and belief, is not incorporated in the State of Rhode Island and does not have a principal place of business in the State of Rhode Island.
7. The plaintiffs are citizens of Rhode Island.
8. The defendants and the plaintiff are therefore citizens of different states and are thus completely diverse within the meaning of Title 28 U.S.C. §1332.
9. The amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

10. Venue properly lies in the District of Rhode Island because the plaintiffs have asserted that they were residents of Rhode Island at the time of the alleged incident and the plaintiffs commenced their initiating civil action in the State of Rhode Island.
11. The above described action, as stated in the plaintiffs' Complaint is one which this Court has original jurisdiction pursuant to the provisions of Title 28 U.S.C. § 1332, and is one which may be removed to this Court by the defendants pursuant to the provisions of Title 28 U.S.C. §§ 1441 (a) and (b).
12. The defendants, Mortgage Electronic Registration System and Deutsche Bank National Trust Company, consent to this action being removed to the United States District Court for the District of Rhode Island.
13. Consent of defendant American Brokers Conduit is not required. Upon information and belief, American Brokers Conduit has not been served as of the time of removal and there is no guarantee that it will be served. *Gorman v. Abbott Laboratories*, 629 F.Supp. 1196, 1200 (D.R.I. 1986). See also, *Pullman Co. v. Jenkins*, 305 U.S. 534, 540, 59 S.Ct. 347 (1939).
10. Enclosed herewith is a copy of the original Complaint filed in the Providence County Superior Court. **Exhibit A**. Also attached is a copy of the Summons evidencing service of the Complaint on Deutsche Bank National Trust Company. **Exhibit B**.
11. Certified copies of the entire State Court record will be filed pursuant to Local Rule 81 within 14 days hereof.

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS and DEUTSCHE BANK NATIONAL
TRUST COMPANY

By Their Attorneys
BENGTSON & JESTINGS, LLP



PATRICIA A. BUCKLEY #2987
One Turks Head Place, Suite 400
Providence, RI 02903
401-331-7272 – telephone
401-331-4404 – facsimile
pbuckley@benjestlaw.com

Dated: March 15 2010

CERTIFICATION

I hereby certify that a true and accurate copy of the within document was mailed by regular mail, postage prepaid, or hand delivered, from Bengtson & Jestings, LLP, One Turks Head Place, Suite 400, Providence, RI 02903 on this 15th day of March 2010, to counsel of record as follows:

George E. Babcock, Esq.
23 Acorn Street
Providence, RI 02903

